

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

#24-CR-10090-WGY

UNITED STATES

v.

WALTER NORTON

DEFENDANT’S MOTION TO SUPPRESS CUSTODIAL STATEMENTS

Walter Norton, defendant in the above-captioned criminal case, hereby moves this Court, pursuant to Rule 12(b), F.R.Crim.P. and the Fifth Amendment to the United States Constitution, to suppress any and all statements he made to law enforcement agents at the Danvers, Massachusetts State Police barracks or thereafter following his arrest on April 3, 2024. As grounds therefore, defendant avers as follows:

1. Norton was arrested by Massachusetts State Trooper Xhuljo Hysa following a brief vehicle pursuit on Route 95 Southbound in Lynnfield, Massachusetts at approximately 11:45 a.m. on April 3, 2024. Following his arrest, Norton was transported to the State Police barracks in Danvers by Trooper Hysa. Norton’s arrest, transport to the barracks, and subsequent interaction with law enforcement agents at the barracks were recorded on Trooper Hysa’s body camera and produced to defense counsel in discovery.

2. Shortly after his arrival at the barracks, Norton invoked his right to counsel. After being read his *Miranda* rights, he signed an acknowledgment form refusing to speak to law enforcement agents and repeated his refusal orally.
3. A review of the body camera footage demonstrate that Norton's invocation of his right to counsel and his refusal to speak to law enforcement agents were not scrupulously honored over the ensuing hour. Although Norton did make some unsolicited statements, he never waived his constitutional rights to counsel and to remain silent, and he never repudiated or withdrew his prior invocation of those rights. Accordingly, all statements made by Norton following his initial invocation of his constitutional right to counsel and his constitutionanl right to remain silent must be suppressed.
4. The grounds for the instant motion are set forth more fully in the accompanying memorandum of law and exhibits.

Respectfully submitted,

WALTER NORTON

By his attorney,

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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF System will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 27, 2024.

/s/ James L. Sultan